

**DEPARTMENT OF JUSTICE**

**CIVIL RIGHTS DIVISION**

**ASSISTANT ATTORNEY GENERAL**

**COMMITTEES & COMMISSIONS**

**President's Committee on Equal Opportunity  
in the Armed Forces**

**President's Committee on Equal  
Opportunity in the Armed Forces**

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Burke,

This is the document I  
mentioned on the 'phone to-  
day which is pertinent to  
the discussion next week.  
These are pre-mature,  
inadequate and ill-defined  
procedures.

Gerry

3/7/63

GERHARD A. GESELL

11<sup>00</sup> Wed.  
13<sup>th</sup>  
Notified Davis  
3/8

MAR 4 1963

MEMORANDUM FOR THE SECRETARY OF THE ARMY  
THE SECRETARY OF THE NAVY

SUBJECT: Anti-Discrimination Policy in the Military Service

Attached is a memorandum issued by the Secretary of the Air Force, calling for the development of a program of specific actions to improve the implementation of anti-discrimination policy.

It seems to me appropriate for each of the military departments to undertake a similar program adapted to the problems of the particular Service. I should appreciate receiving a copy of any memorandum you may see fit to issue along the lines of the attachment, as well as periodic reports of results obtained.

Signed  
ROBERT S. McNAMARA

Attachment

cc: Secretary of the Air Force

Ayarmolinsky/mg/28Jan63

Return 3E941



1/28 Phone Change

5 DEC 5

MEMORANDUM FOR SECRETARY ZUCKERT

SUBJECT: Anti-Discrimination Policy in the Military Service

You have asked me to develop a program of action for you to take in the anti-discrimination policy in the military service to counteract possible criticism from the President's Committee on Equal Opportunity in the Armed Forces as discussed in my memorandum of November 14, 1962 to you.

Generally I feel it undesirable to consider relocating bases and missions not only from the plain economics of the matter, but also because there can be no assurance that new localities will not produce similar problems. Also, I do not believe that the off-limits authority of the base commander should be used to achieve social reform but should be limited to the protection of individuals from unsanitary and unhealthful conditions that might occasionally prevail. To place establishments off-limits for the achievement of social objectives has several very serious implications and in a sense is itself discriminatory since only military personnel, and not civilian personnel also employed by the government, are bound by the decision. When the facilities are indispensable to an individual's life or livelihood or are a monopoly, as in the case of some utilities, it serves no fruitful purpose to forbid their utilization. To the extent they are affected with a public necessity as in the case of food, shelter, heat, light, the more probable they are unconstitutional restrictions which should be contested in court or by other appropriate means.

Comeback for Mr. Goode - 4D-939

Concerning off-base segregation, the Gilpatric memorandum states that it should be the responsibility of the base commander to attempt to eliminate these discriminations to the extent feasible. I do not believe it possible to develop any hard and fast rule as to what course of action should be undertaken since conditions could vary substantially in different areas. However, this much seems reasonably clear. To avoid the charges of negativism, the base commander should attempt by negotiation

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to achieve improvement in the local areas and where he finds the constitutional rights of the members of his command are being violated, he should, through channels, request that Headquarters USAF advise the appropriate Federal agency of such violation. For such consultation action as may be indicated in the case of education, this would be HEW; in the case of transportation facilities, it might be the ICC; in the case of civil rights violation, the Department of Justice.

Any present guidance that is somewhat inconsistent with the Gillette memorandum should be clarified and additional procedures to the field promulgated. For example, one memorandum forbids military personnel from engaging in test cases. This memorandum has been interpreted in some instances as a directive to comply with local segregation laws. In my opinion, colored military personnel should not be directed to comply with segregation laws under any circumstances. They may, of course, be advised of local difficulties they may get into in the event they should force a peaceable test of their constitutional rights, but this should be a privilege which should not be curtailed by military fiat. Our existing instructions in this matter appear confused and need clarification.

Other actions that could be taken would be as follows:

1. A mandatory course of instruction on the anti-discrimination program in all appropriate courses of training. The number of semester hours could vary with the length of the course. I believe the Deputy Chief of Staff, Personnel should be responsible for the development of this curriculum.
2. Officers effectiveness reports could be required to include a mandatory rating of the officer's compliance with the anti-discrimination policy.
3. Base commanders before assuming their duties should receive a prescribed course of instruction as to the responsibilities, duties and prerogatives of the base commander which would include appropriate instruction toward combating discrimination both on and off-base, and appropriate education as to the supremacy of Federal law over state or local law in the event there is any conflict between the two.

4. To assist the commander in the performance of these important functions, a staff officer such as the Employment Policy Officer who is now charged with monitoring civilian complaints and discrimination should be the principal adviser to the commander on all matters pertaining to discriminatory treatment of not only civilian personnel but all military personnel. He should be responsible for developing any necessary action programs to improve or correct the situations both on and off base. On base, of course, he should be able to achieve this by military command. Off base would require many different approaches.

5. A primer should be developed setting forth questions and answers on the matter of discriminatory treatment both on and off-base which should be developed by the Air Staff based upon working guidance received from OSD, your office, the various President's Committees on this subject, and existing directives. They should be uniformly distributed to all Employment Policy Officers and be used as texts in courses of instruction on the subject.

6. The Secretary of Defense should be advised of what you have done in this area with suggestions that they assist in the following areas:

a. That in areas where discrimination is found to exist OSD give appropriate recognition to Air Force requests for construction of on-base facilities to be operated without discrimination. This would include appropriate recreational facilities such as bowling alleys, service clubs, theatres, and the like.

b. Consideration should be given by OSD as to whether present criteria for construction of housing should be revised to exclude those areas in adjacent communities where discrimination is found to exist.

c. OSD should be advised that we are rescinding the policy guidance which had been approved by Assistant Secretary of Defense Finucane in the prior administration which could be construed as prohibiting military personnel from testing unconstitutional statutes or local ordinances. OSD should

likewise be advised as to what we are doing in this area, and to the maximum extent possible uniform policies and procedures should be developed at OSD level to be applicable to all three military departments.

A proposed memorandum to the Chief of Staff is attached for your consideration. If you care to discuss this matter further, please let me know.

Signed

JAMES P. GOODE  
Deputy for Manpower,  
Personnel & Organization

REF ID: A66242 2426-62

DEC 8 1962

**MEMORANDUM FOR THE CHIEF OF STAFF**

**SUBJECT: Anti-Discrimination Policy in the Military Service**

As a result of a recent meeting with the President's Committee on Equal Opportunity in the Armed Forces, it appears that some concern has been expressed by members of that committee concerning the understanding of various Air Force commanders as to the meaning of the anti-discrimination policy and how it should be implemented in various situations. Some criticisms have been voiced at allegedly negative attitudes being displayed by the base commanders concerning off-base discrimination and the lack of knowledge of the Gilpatric memorandum of June 19, 1961; the lack of formal training of base commanders as to their responsibilities in the area of anti-discrimination; the lack of compulsory education on this subject in training programs within the Air Force, and a lack of an aggressive community relations program by various commanders in attempting to achieve improvement in off-base facilities for all their personnel.

While the Air Force has an outstanding record of leadership in the military services for removing social injustice by the integration of all military units and elimination of segregated facilities on-base, there appears to be considerable confusion as to what the proper policy of base commanders should be concerning off-base segregated facilities. It also appears that there may have been inadequate dissemination of high level guidance on this subject to base commanders, such as the Gilpatric memorandum and a possible misunderstanding of previous guidance on this subject.

Accordingly it is believed the following minimum action should be taken to attempt to improve this situation:

1. All existing directives and policy guidance which have been transmitted to field activities as Air Force policy should be reviewed to insure that they are consistent and

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clear with the guidance furnished by the Secretary of Defense and the Commander in Chief in the various communications which have emanated from the present administration. Unclear, ambiguous or conflicting instructions will be eliminated or appropriately modified.

2. The Deputy Chief of Staff, Personnel will review all existing curricula in the various schools such as the Air University, Air Academy, Air Force ROTC, Officers Training School, etc schools and comparable courses of instruction to insure that appropriate allocation of time consistent with the length of the course is prescribed for education of the students on the anti-discrimination policy.

3. To insure consistency and uniformity in instruction on this subject, basic texts should be developed providing questions and answers to more important questions that have been raised in recent months by various members of the President's Committee.

4. Consideration should be given to mandatory evaluation of all officers concerning their knowledge of this program and the extent to which they have complied with the policy of anti-discrimination.

5. No persons will be assigned to positions as base commander who have not been educated in detail as to the provisions of this policy and have had acceptable efficiency ratings in respect to their compliance therewith.

Military commanders will be expected to show some positive efforts to improve conditions where off-base prejudices exist. Where their efforts of perseverance through command community relationships or other attempts to achieve improvements are unsuccessful, the commander will apprise higher headquarters of difficulties experienced in the treatment of his personnel off-base and request that appropriate information on the matter should be brought to the attention of other agencies for appropriate action. Responsibility for this program should be assigned to one office within the Air Staff to insure consistency of action and implementation.

Where no perceptible improvement has been achieved in remedying discriminatory treatment off base, commanders should be encouraged to program and forward for approval proposals for construction of necessary facilities on-base.

At such times as it appears appropriate, the Office of the Secretary of Defense should be advised as to what is being done in this area with a request that they take such action as necessary to make uniform rules and procedures for all services to the extent such actions are considered feasible.

I would appreciate any additional suggestions or comments you deem appropriate under the circumstances.

JOSEPH V. CHILKOTZ  
Acting Secretary of the Air Force

⑤  
THE SECRETARY OF DEFENSE

WASHINGTON

*Quinn 20939*  
JUN 19 1961

**MEMORANDUM FOR THE SECRETARY OF THE ARMY  
THE SECRETARY OF THE NAVY  
THE SECRETARY OF THE AIR FORCE**

**SUBJECT: Availability of Facilities to Military Personnel**

1. The policy of equal treatment for all members of the Armed Forces without regard to race, creed or color is firmly established within the Department of Defense.

2. Therefore, in those areas where unsegregated facilities are not readily available to members of the Armed Forces in adjacent or surrounding communities, it is the policy of the Department of Defense to provide such facilities on military installations to the extent possible. In addition; local commanders are expected to make every effort to obtain such facilities off base for members of the Armed Forces through command-community relations committees.

3. Military police may be used to quell affrays when military personnel are involved but military police will not be employed on behalf of local authorities to support enforcement of racial segregation or other forms of racial discrimination.

4. Legal actions by civilian authorities against members of the Armed Forces growing out of enforcement of racial segregation or other forms of racial discrimination will be carefully monitored by local commanders. As circumstances warrant, military legal assistance may be provided to assure that members of the Armed Forces are afforded due process of law.

*Rowell B. Repetier*  
JEP:VI

15 Aug 1963

Buck —

There are the papers I spoke to you about this morning. They are going to SecDef this afternoon.

I would like to be able to tell him that you have read same + offer no objection. Please call, leaving message if I'm out.

Mered B. Felt

**MEMORANDUM FOR THE PRESIDENT**

The initial report of your Committee on Equal Opportunity in the Armed Forces is a landmark document in the march to equality for all Americans in uniform.

In its year of work the Committee observed racial imbalances and vestiges of racial discrimination within the Armed Forces themselves. Nevertheless, the Committee found that in the main racial equality is a reality on military bases today. The Department of Defense will eliminate the exceptions and guard the continuing reality.

It is to the Department's off-base responsibilities that the Committee has devoted the bulk of its report. In eloquent and accurate terms the Committee has described the nature and pervasiveness of off-base discrimination against Negro servicemen and their families, the divisive and demoralizing impact of that discrimination, and the general absence of affirmative, effective action by military commanders to ameliorate or end the off-base practices burdening nearly a quarter of a million of our servicemen.



Our military effectiveness is unquestionably reduced in some degree as a result of civilian racial discrimination against men in uniform. The Committee report has made this point with great clarity. With equal clarity it demonstrates that the Department of Defense has in the past only imperfectly recognized the harm flowing from off-base discrimination. That imperfect recognition has in turn meant the lack of a program to correct the conditions giving rise to the harm.

The Committee report contained recommendations for such a program. Consistently therewith I have issued a directive explicitly stating Department of Defense policy with respect to off-base discrimination and requiring:

- preparation of detailed directives, manuals and regulations making clear the leadership responsibility both on and off-base and containing guidance as to how that responsibility is to be discharged.
- inclusion, in basic training and in all leadership courses, of relevant instruction on the moral wrong and the damaging effect of racial discrimination, and on service policies to combat it on and off-base.
- institution in each service of a system for regularly monitoring and measuring progress in this field, to include

rating the performance of base commanders.

We are in the process of establishing a staff element within my office to give full time to such matters.

While the foregoing is in accord with the recommendations of the Committee, the details of the program necessarily will be found in the manuals and regulations to be issued as a result of my directive. It is my plan to have them ready in time to permit Committee comment before its final report is submitted.

The initial Committee report contained many specific recommendations on recruitment, assignment, promotion, techniques for eliminating on and off-base discrimination, housing, education and recording of racial data. Most of these have been or will be put into effect, but some require more study and on a few we have reservations. These will be discussed further with the Committee.

The recommendations on sanctions do require special comment. The Committee suggests using a form of the off-limits sanction when, despite the commander's best efforts with community leaders, relentless discrimination persists against Negro servicemen and their families.

Certainly the damage to military effectiveness from off-base

discrimination is not less than that caused by off-base vice, as to which the off-limits sanction is quite customary. While I would hope that it need never be put in effect, I agree with the Committee that a like sanction against discrimination must be available.

The Committee also suggested the possibility of closing bases near communities where discrimination is particularly prevalent. I do not regard this as a feasible course. On the other hand, from time to time new defense installations must be built or existing bases expanded. Military requirements are usually not so fixed as to prevent a geographic choice in such cases. When that choice is available, we will be influenced by the willingness of nearby communities to treat all Americans equally.

In your letter transmitting the Committee report you wrote that "Discriminatory practices are morally wrong wherever they occur--they are especially inequitable and iniquitous when they inconvenience and embarrass those serving in the Armed Services and their families."

Guided by these words and the report of your Committee on Equal Opportunity in the Armed Forces, the military departments will justify your confidence that they can take a leadership role in combatting discrimination wherever it affects the lives of the men and women serving in defense of this country.

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MEMORANDUM FOR MR. McNAMARA

1. The first portion of the Gesell report contains a variety of calls for "energetic efforts," "regular reviews," "continued reviews," "spot checks" and the like in connection with the technical processes of recruitment, assignment and promotion. The Committee recommendations, in the main, drew little comment from the services. Summarized, they are:

a. Recruitment - efforts to attract Negroes must be more positive; picture Negroes more often in recruiting literature; use more Negroes on recruiting duty; and have a "more informed solicitation" at Negro colleges. All of the services concurred.

b. Assignments - patterns need continuing review, and efforts should be made to steer Negroes into career fields which match latent skill. The services concur.

c. Promotions - have periodic spot checks for bias in NCO promotions; eliminate photographs and racial designations in records going to officer promotion boards; appoint Negroes to those boards "in normal rotation"; and develop special techniques to make certain that promotion board members are free from "conscious or unconscious bias." The last met objection from Army and Navy, the only two to comment on it, and is of insufficient importance to warrant attention now. As to the question of photographs, see later discussion under the heading "Racial Data."

The Committee was much more concerned with the fields of on-base discrimination, off-base discrimination, housing, education and recording of racial data. A discussion of these follows.

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## 2. On-base Discrimination

a. Gesell Recommendation: At each base appoint an officer to receive racial complaints in confidence.

Service Comments: Army opposes, Air Force is vague and Navy is willing to study the suggestion.

Fitt's Comment: The real question here is one of improving communications, and the real task is to make sure that Negro servicemen's racial complaints come to the surface so that corrective action can be taken. They must be convinced that their officers are on their side. If this is done, a special complaint officer won't be necessary; if it is not done, the complaint officer will have as little business as the I. G. now has.

Fitt's Recommendation: Do not require, but do permit the appointment of base racial complaint officers.

b. Gesell Recommendation: Commanders should (1) affirmatively guard against de facto segregation in service clubs, (2) make certain that military police have integrated duty assignments, (3) avoid base sponsorship of or participation in functions where the effect is endorsement of discriminatory practices, (4) refrain from discouraging off-base interracial associations, and (5) eliminate segregated seating in buses (including school buses) and taxis serving base.

Service Comments: All concur. Army and Air Force point out school bus cost problems.

Fitt's Comment: These are all matters to be covered systematically in written guidance to base commanders.

Fitt's Recommendation: Include these subjects in manuals and check them during monitoring process mentioned below.

## 3. Off-base Discrimination

a. Gesell Recommendation: OSD and services must redefine responsibilities, establish goals and provide detailed instructions.



Service Comments: All agree that guidance is needed. Army intends to give it, Navy suggests that existing guidance "is markedly remedying much in this area," Air Force plans to issue one all encompassing manual.

Fitt's Comment: In one way or another Sec Def and the Service Secretaries have already given general guidance. Except for Navy, it has not been in permanent form, and in no case has it been given the essential follow-through of finding out what actually happened as a result of the guidance. (In the main, nothing has happened.)

Fitt's Recommendation: Sec Def to issue overall directive, Service Secretaries and chiefs to be responsible for specific guidance, to be monitored by OSD and the services.

b. Gesell Recommendation: Commanders' performance in the equal opportunity field must be rated, monitored and supported. There must be constant reiteration of defense policy not only to base commanders but to their superiors as well.

Service Comments: Army disagrees on rating commanders but agrees that "commendable performance...will be noted by favorable comment (on) efficiency reports," Navy inferentially objects to specific rating, Air Force makes no comment.

Fitt's Comment: Nobody objects to the concept of monitoring, but all of the services wish to be allowed to do it their own way. This is acceptable so long as OSD monitors the monitors.

Rating base commanders is one of the key Gesell recommendations. Officers are human; they will concentrate in the fields covered by their report card while tending to ignore those in which they are not graded.

Fitt's Recommendation: The narrative portion of a base commander's efficiency or fitness report should in all cases include a statement regarding his handling of equal opportunity and discrimination matters.

c. Gesell Recommendation: A commanders manual is needed. All levels of officer and command training should include materials on equality, off-base responsibility, etc.

Service Comments: Army and Air Force concur on manual, Navy thinks it unnecessary. Army silent on command training, Air Force planning a series of conferences and seminars, Navy against emphasis in command training on Negro problems.

Fitt's Comment: Clearly a first-rate manual will be useful to commanders. Furthermore, all ranks should be indoctrinated in the moral wrong and the damaging effect of racial discrimination, and on service policies to combat it on and off-base.

Fitt's Recommendation:

(1) Preparation of leadership manuals, under general direction of OSD, with final drafts to be submitted to Gesell Committee for comment. (I am assuming that such drafts can be prepared before 1 October.)

(2) Required instruction on racial equality in basic training and in all leadership courses, i.e. ROTC, OCS, service and NCO academies, senior service schools, etc.

d. Gesell Recommendation: Base commanders should appoint bi-racial community advisory committees.

Service Comments: Army generally favors but would leave to base commander, Navy has already instructed its commanders to do so, Air Force doesn't address point specifically.

Fitt's Comment: Here the Gesell Committee has merely emphasized one of the techniques for finding and combatting discrimination.

Fitt's Recommendation: The guidance should require use of bi-racial committees except where a commander's next higher headquarters, on specific request, has authorized a different arrangement. This point among many others should be covered in the monitoring process.

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e. Gesell Recommendation: Where all else fails, "commander should develop a plan under which military personnel of all races would be permitted to patronize only those facilities which receive his express approval." Consider closing bases; in locating new bases, get community guarantees of equal treatment for Negro servicemen.

Service Comments: Off-limits--Army and Air Force uncertain of their legal authority, recommend no off-limits action pending legislative disposition of administration's civil rights bill. Navy flatly opposes.

Closing bases--Army and Navy oppose, Air Force is willing when a choice exists.

Conditioning location of new bases--Army and Air Force are willing, Navy is silent on point.

Fitt's Comment: This is unquestionably the most controversial of the Gesell recommendations. The services have slowly accepted the idea that their responsibility for equal treatment extends off-base, but they have no stomach for the kind of fight which they think use of the off-limits sanction will mean.

There is a melange of reasons for the service reactions. One is that the connection between off-base discrimination and on-base reduction in military effectiveness is nowhere near so direct as in the instances of prostitution, illegal gambling, lack of sanitation and the like.

The services are also troubled by enforcement problems, particularly those arising out of a serviceman's desire to be with his dependents. Military officers understandably prefer not to start battles unless they see a prospect of winning.

Finally, there are vexing line-drawing aspects in carrying out the Gesell recommendation, many of which would be eliminated if only Congress would prohibit discrimination in public accommodations, and so they ask, why not wait for Congress to act?

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My judgment is that the off-limits sanction is a severely limited weapon, to be used only after negotiations make clear that a community is unwilling to end objectionable practices involving servicemen and their families.

Hatred, violence and murder are part of the struggle for civil rights. We must not forget that we, not they themselves, have put Negro servicemen at bases in the south. We owe them a duty not to exacerbate the hostility they already face when venturing off-base.

Fitt's Recommendation: Guarded approval of the concept of using the off-limits sanction, severe restraint in actually using it, and then only with OSD approval of a specific program.

f. Gesell Recommendation: Establish full-time office in OSD to guide overall policy for equality program, with offices in each service to monitor developments and to provide assistance. (Gesell modified this in talking to me on 12 July. He is mainly concerned about the OSD level. The Committee recommendation as to offices in each service was added at Norm Paul's suggestion.)

Service Comments: No comment from any as to OSD official. Army is willing to add personnel, if necessary, to "an element of one of the branches of Office Deputy Chief of Staff for Personnel." Air Force has five persons in a full-time air staff section on equal opportunity. Navy has no full-time staff in this separate field and believes none is necessary.

Fitt's Comments: The Gesell report, and the times as well, call for concentrated, high-level attention to civil rights in the Department of Defense. In the light of the present structure and staffing of OSD, I think the necessary attention to the problem will be gained only at the price of adding another civilian official with staff. However, his role should be essentially that of a project manager, and the need for his office ought to be challenged not later than twenty-four months after its birth.

As to the services, I see neither virtue nor hope of real success in directing the creation of full-time

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for such staffs can be created by the flow of requirements to come from OSD. The services should be allowed to recognize that need for themselves and make the staffing adjustments most appropriate thereto.

Civilian staffing in the service secretariats is another matter. In each military department there ought to be one high ranking civilian, chosen because of his known zeal and knowledge in civil rights matters, and who can give them a major part of his time. It is in the services that policy gets executed, and the day to day push on civil rights must come from the service secretariats.

#### Fitt's Recommendation:

(1) Appoint a new officer in OSD with the title Deputy Assistant Secretary (Civil Rights) and lodged organizationally in Manpower.

He should (a) be the representative of the Secretary of Defense in civil rights matters, (b) give direction to the service military equal opportunity programs, and perhaps later, the civilian programs as well, (c) prepare basic policy directives, review service policies, manuals and regulations and (d) monitor service performance through periodic reports and staff visits. The charter of the Assistant Secretary of Defense (Manpower) should be appropriately amended.

The new official's staff should include military members from each department, two civilian assistants and an appropriate number of secretaries.

(2) Establish the Schedule C position of Deputy Under Secretary or equivalent in each department and vest him with equal opportunity responsibilities.

#### 4. Housing

General Recommendations: Generally emphasize need for serious, continued effort and the preparation of "detailed regulations and manuals outlining steps to be taken and avenues to be explored."

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Service Comments: General in general, although Navy observes no need for a housing officer's manual.

Fitt's Comment: John Reed supports all but one of the specific Gesell recommendations. The exception has to do with whether discriminatory practices should be weighted in computing housing deficits. (The Committee's recommendation on this score was somewhat obscure.)

The housing field is complicated, specialized and technical. The new office should not be given an unwieldy direct responsibility therefor. Reed already has a housing officers' guidance kit in preparation, with implementation planned for mid-August.

Fitt's Recommendation: Have new OSD official discuss housing recommendations with the Committee, then coordinate within OSD. Continue responsibility in Reed's office for housing manuals and guidance, subject to review by new office for equal opportunity policy aspects.

5. Education

a. Gesell Recommendation: That base commanders seek to place children of Negro servicemen in desegregated schools.

Service Comments: All concur.

Fitt's Comment: Agree.

Fitt's Recommendation: Detailed guidance be included in the manuals and regulations to be issued.

b. Gesell Recommendation: Services should end Junior and Senior ROTC and Defense subsidized professional education programs now found at segregated schools and colleges.

Service Comments: Army concurs as to its civil schooling program, cautions delay as to ROTC; Navy is vague as to civil schooling, but sent warning letters on 3 July 1963 to three segregated colleges with N.R.O.T.C. units; Air Force has no comment.

Fitt's Comment: These issues are not pressing, but they are complicated. The fate of the 2-year ROTC proposal should not be jeopardized by a "Powell Amendment," yet

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such an amendment would be inevitable were DoD formally to end ROTC at segregated schools. As to civil schooling there really ought to be a government wide policy. Other agencies finance graduate studies and make research grants to universities. We would all look silly if some agencies patronized Mississippi State College while others withdrew.

Fitt's Recommendation: Defer action until the new OSD office has been organized.

c. Gesell Recommendation: "Where it is not feasible to establish on-base courses (for off-duty education), and off-base schooling is not available, Negroes desiring additional education should be freely given the opportunity for transfer to or temporary duty at other locations."

Service Comments: Army disagrees, Navy concurs in general, Air Force makes no comment.

Fitt's Comment: The recommended action has two flaws. It restricts the right of transfer to Negroes, although white servicemen face the same problem, and it gives off-duty educational aspirations precedence over on-duty military requirements.

Fitt's Recommendation: Reject the recommendation in its present form; have new OSD official develop, in conjunction with services, a procedure to cope with the problem raised by the Gesell Committee.

## 6. Racial Data

a. Gesell Recommendation: That racial data be maintained centrally for benign statistical use, but that it not appear on records "which accompany servicemen, or on other records routinely available to those who rate, assign or promote personnel."

Service Comments: Air Force makes no comment, Navy seems willing to defer to OSD, and Army generally is in accord with the Gesell recommendations.

Fitt's Comment: The immense volume of current personnel record keeping (with and without racial data) and

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the variations among services prevent an immediate informed judgment on the Committee's recommendation. Much more study is needed in order to understand the present state of record keeping and the feasibility or desirability of change.

Fitt's Recommendation: Conduct a separate study on this issue after new OSD office is organized.

b. Gesell Recommendation: Eliminate photographs from files used by officer promotion boards.

Service Comments: Army is willing to withdraw photograph from file, Air Force and Navy wish to retain.

Fitt's Comment: The reasons given by the Air Force are quite unconvincing, viz "A photograph makes possible the association of a series of effectiveness reports with an individual...(and) the photograph makes each board member acutely aware of his heavy responsibilities and the effect of his actions." The Navy gives no reasons at all.

The business of photographs is a fighting issue with Negroes. While in this instance the issue is unreal--because racial data or references appear in the basic documents on which promotion boards depend--nevertheless there seems to be no statable justification for routinely forwarding photographs to officer promotion boards.

Fitt's Recommendation: Require photographs to be withdrawn from officer promotion board files, but permit them to be made available to a board on specific request to settle questions of identity.

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Attached for your signature are a proposed directive (Tab A), a proposed memorandum to the President (Tab B) and a note to Arthur Sylvester asking him to clear press aspects with Pierre Salinger (Tab C).

At Tab D is a chart of the forty-two Gesell Committee

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recommendations and the comments on each from the military departments.

Alfred B. Fitt  
Deputy Under Secretary (Manpower)

4 Incls  
a/s

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OFFICE OF THE SECRETARY OF DEFENSE

September 17

MEMO FOR Mr. Burke Marshall

- from

David E. McGiffert  
Assistant to the Secretary of Defense  
(Legislative Affairs)

PRESS RELEASE BY CARL VINSON (D-GA.)

In connection with the bill to restrict the implementation  
of the so-called Genell Report

for P.M. afternoon papers

September 17, 1963



Carl Vinson (D-Ga.), Chairman of the House Armed Services Committee, announced today that he had introduced a bill which is designed to nullify the directive issued by the Department of Defense on July 26, 1963, which sought to implement major portions of the Gesell Report.

Mr. Vinson said "Apparently, the Secretary of Defense has forgotten that members of our Armed Forces are also citizens of the United States. They are entitled to the same freedom of choice when they leave military bases as other citizens. The Secretary of Defense has no right to seek to impose a new social order throughout the United States through the use of our Armed Forces."

"It is a tragedy," continued Mr. Vinson, "that the Secretary of Defense has seen fit to convert the mission of our Armed Forces from that of national security to one of direct involvement with local affairs."

Mr. Vinson quoted a portion of the Gesell Report which complained about the attitude of base commanders who said they should not involve themselves in local community affairs because "the authority of the base commander ends at the gate; that it is not his job to rearrange the social order; that it is not part of the military mission to change community attitudes; that any pressure would be misunderstood and would merely stir up trouble; that questions of this kind should be left to the courts; that military personnel are traditionally non-political and should not involve themselves in controversial questions."

"The members of the Gosell Committee," said Mr. Vinson, "take exception to these views expressed by base commanders."

"What the Gosell Committee recommends," said Mr. Vinson, "is that base commanders should involve themselves in rearranging the social order, seek to change community attitudes, and involve themselves in political questions."

"This recommended departure from the traditional relationship between the military and civilian elements of our nation is one of the most serious challenges to our form of government to occur in this century," Mr. Vinson said.

"The Secretary of Defense has directed that all members of the Department of Defense will oppose discriminatory practices on every occasion and will foster equal opportunity for servicemen and their families on and off-base. This is a direct invasion by the Department of Defense into local affairs. If it is social reform today, it may be direct participation in national elections tomorrow; if it is race today, it could be religion tomorrow," said Mr. Vinson.

"It is true that our Armed Forces have kept themselves free from political affairs since the foundation of the nation, and I intend to do what I can to keep it that way," said Mr. Vinson.

"The directive issued by the Secretary of Defense authorizes the use of off-limits sanctions by a local commander with the prior approval of the Secretary of his military department. In addition, the Secretary of Defense, in a memorandum to the President, requires the preparation of detailed directives, manuals, and regulations making clear the leadership responsibility both on and off-base."

"All of the action taken by the Secretary of Defense indicates clearly that the Armed Forces of the United States will be used to implement a program of social reform regardless of the areas in which our bases are located, regardless of the laws, mores, and customs of the communities which support these bases, and regardless of the danger inherent in transforming the Armed Services into political agents."

"The bill I have introduced," said Mr. Vinson, "makes it a court-martial offense to seek to direct or control in any way the manner in which a member of the Armed Forces lives off military bases. Any base commander who because of race, color, or religion tries to prohibit a member of the Armed Forces from making purchases for goods or services or renting housing accommodations or engaging in recreational activities, or any other similar activities, would be subject to a court-martial. Any base commander who directs, implements, or requests the use of an off-limits sanction because of race, color, or religion will also be subject to a court-martial."

Mr. Vinson continued, "the memorandum to the President from the Secretary of Defense, and the Gesell Report strongly suggest that the careers of military personnel will be jeopardized if they do not become active in social reforms in their local communities. To prevent that from taking place, the bill makes it a court-martial offense to make any notation on a fitness report, efficiency report, or any other written report, with respect to the manner in which a member of the Armed Forces because of race, color, or religion attempts to influence, or fails to influence the off-limits activities or conduct of any member of the Armed Forces."

Mr. Vinson also pointed out that the Gesell Report sought to establish a gestapo operation in the Department of Defense.

"The Gesell Report," said Mr. Vinson, "recommended that 'all personnel, officer and enlisted, should be free to contact the officer designated to receive complaints at any time, without the consent, knowledge, or approval of any person in the chain of command over them. Communications between servicemen and this officer should be privileged and service regulations should prohibit the disclosure of such communications or the identity of the complainant without the serviceman's consent.'"

"Here is a clear recommendation," said Mr. Vinson, "for the establishment of a political commissar on every base occupied by our Armed Services. If this recommendation is implemented, a serviceman could complain without ever confronting the man about whom he is complaining, and the officer designated to receive the complaint would not even have to forward the complaint through the chain of command."

"The Gesell Report goes further," said Mr. Vinson, "by stating that procedures must be established which will encourage military personnel to present complaints of discrimination."

"In other words," said Mr. Vinson, "members of the Armed Forces are encouraged to present complaints to keep the pot boiling. They are to be surrounded by protection and can make any wild-eyed accusation they wish. The accused will not be confronted by the complainant, and even the base commander will be denied any knowledge of the complaint if this portion of the report is implemented, and there is no reason to believe that this portion of the

report will not be implemented. For that reason, the bill I have introduced also makes it a court-martial offense for any officer to act upon or report a complaint from any member of the Armed Forces without the knowledge of a person next in the chain of command to whom the complaint is made, and without disclosing the complaint to the person who is accused of an improper act against the complainant."

"My bill does not deal with segregation or integration -- my bill keeps the military where it belongs -- in the business of defending our nation. It keeps political commissars out of our Armed Forces. It keeps politics out of the promotion of officers and enlisted personnel because of race, color, or religion. It keeps members of our Armed Forces out of local politics, state politics, and Federal politics. It preserves the time-honored tradition of keeping our Armed Forces free from all political tinges."

"The future of this nation is at stake," said Mr. Vinson. "Too many nations of the world have fallen victims to over-zealous military leaders. Until now, we have never been threatened with this challenge, but the directive issued by the Secretary of Defense, the memorandum to the President of the United States, and the Gesell Report, are clear warnings to every American citizen that the role of our military, unless we act, is about to undergo a sharp and dangerous change. My bill seeks to keep the military in the business of defending the nation. Let the Congress, the courts, the States, and the people worry about social reform. Let the Armed Services concentrate on defending the nation."

## UNITED STATES GOVERNMENT

## DEPARTMENT OF JUSTICE

*Memorandum*

TO : Burke Marshall  
Assistant Attorney General  
Civil Rights Division

DATE: July 26, 1963

FROM : Gordon A. Martin  
*GAM* Attorney

SUBJECT: Proposed Gesell Committee Report  
on the National Guard

On July 25, 1963 I met with Lt. Robert Jordan, a legal assistant to the President's Committee on Equal Opportunity in the Armed Forces. Mr. Doar had previously asked that I act as the Division liaison to the President's Committee. Jordan and I discussed generally my reactions to the initial Gesell report in light of my recent visit to the four Southern Air Bases and also a draft which he had prepared for the Committee on ending discrimination in the National Guard. Jordan asked if I saw anything in the draft which would be objectionable to the Department of Justice. I told him that I personally did not but that I would refer it to you and Mr. Doar to see if you had any comments. I did mention that were federal recognition to have been withdrawn from the Mississippi and Alabama National Guards, it would have prevented the federal activation of these units at the time of the integration of the Universities of Mississippi and Alabama. Withdrawal of federal recognition from non-complying Guard units is one of the possibilities set forth in the report at pp. 12 and 13.

Jordan, a 1961 graduate of Harvard Law School, is with the Committee just temporarily and has been assisting Larry Hewes, its counsel. He stated that the draft probably would not be considered by the full committee until mid-september. The Committee apparently is making a referral such as this to the Executive Branch in the hope that its recommendations will not prove embarrassing to the Administration.

Attachment